

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-07-00075-001

DATE: August 12, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Kim R. Walmsley

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 10:04:47 - 10:57:36

11:09:03 - 11:27:18

1:11:09 - 1:29:23

APPEARANCES:

Defendant: Nathaniel Diaz Punzalan

Attorney: Stephanie Flores

☒ Present ☒ Custody ☐ Bond ☐ P.R.

☒ Present ☐ Retained ☐ FPD ☒ CJA

U.S. Attorney: Rosetta San Nicolas

U.S. Agent: J. Quintanilla, ATF

U.S. Probation: None Present

Interpreter:

Language:

PROCEEDINGS: Trial - Day 1

- Jury sworn.
- Opening statements by the plaintiff and defendant.
- Witness sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Trial continued to: August 13, 2008 at 9:00 AM

NOTES: Seated at Government's table: Greg Helm and Noreen Soriano. Government advised the court that Ms. Santo-Tomas, attorney for Richard Ichihara, also present in the courtroom.

Seated at defense table: Larry Pickelsimer.

UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

United States of America

EXHIBIT and WITNESS LIST

V.

NATHANIEL DIAZ PUNZALANCase Number: **CR-07-00075-001**

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY ROSETTA SAN NICOLAS	DEFENDANT'S ATTORNEY STEPHANIE FLORES
HEARING DATE (S) August 12, 20008 - Day 1						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						10:04:27 - Jury Trial - Day 1 - Case called	
						10:08:16 - Jurors seated; sworn	
						Opening Statement by Government	
						Opening Statement by Defense	
						10:28:57 - Peter Ofeciar, called and sworn	
						DX by Ms. San Nicolas	
	7		8/12/08	8/12/08	8/12/08	Audio recording of telephone conversation on 1-4-06 at 2:58 p.m.; offered by the Government; stipulation read; admitted per stipulation	
						10:59:07 - 11:09:03 - Morning Recess	
						11:10:44 - Continued DX by Ms. San Nicolas	
	9		8/12/08	8/12/08	8/12/08	Audio recording of telephone conversation on 1-4-06 at 4:40 p.m.; offered by the Government; stipulation read; admitted per stipulation	
	11		8/12/08	8/12/08	8/12/08	Audio recording of telephone conversation on 1-4-06 at 4:58 p.m.; offered by the Government; stipulation read; admitted per stipulation	
	13		8/12/08	8/12/08	8/12/08	Video and audio recording of meeting on 1-4-06 ; offered by the Government; stipulation read; admitted per stipulation	
						Government request to admit transcripts of tapes	
	7		8/12/08	8/12/08	8/12/08	Audio recording of telephone conversation on 1-4-06 at 2:58 p.m. presented	
						Government offers admission of transcripts of audio recordings	
	8		8/12/08	8/12/08		Transcript of audio recording of telephone conversation on 1-4-06 at 2:58 p.m.	
	10		8/12/08	8/12/08		Transcript of audio recording of telephone conversation on 1-4-06 at 4:40 p.m.	
	12		8/12/08	8/12/08		Transcript of audio recording of telephone conversation on 1-4-06 at 4:58 p.m.	
	14		8/12/08	8/12/08		Transcript of video/audio recording of meeting on 1-4-06	
						Defense oppose admittance of transcripts	
						Court to review cases and make determination of admittance	
						11:27:18 - 1:11:09 - Lunch recess	
						1:17:48 - 1:19:19 - Jurors excused (due to illness of Juror 6); to report by 8:45 AM, 08/13/2008	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY ROSETTA SAN NICOLAS	DEFENDANT'S ATTORNEY STEPHANIE FLORES
HEARING DATE (S) August 12, 2008 - Day 1						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						Discussion continued re evidentiary matters. Government must lay foundation; if witness can say "yes", transcript can be provided to jurors to follow along as the audio is being played. Transcripts will not be admitted into evidence. Audio is to govern.	
						As to Stipulation re audio, need to amend portion relative to exhibit 13 to instead read, Exhibit 13(a) - audio; and 13(b) video.	
						Court instructs parties to review and modify Model Rule 4.9 (4 th paragraph of most current rules) and submit the modified Rule 4.9 at 8/13/2008 trial date.	
						1:29:23 - End Day 1	